NOS. [redacted] 213

Supreme Court, U.S.
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In the Supreme Court of the United States

OCTOBER TERM, [redacted] 1970

UNIVERSAL BUILDERS, et al.,
Petitioners,

vs.

SIDNEY AND JULIA CLARK, et al.,
Respondents.

ACTION REALTY, et al.,
Petitioners,

vs.

CHARLES BAKER, et al.,
Respondents.

BRIEF IN OPPOSITION

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In the
Supreme Court of the United States

OCTOBER TERM, 1969

NOS. 1637, 1643

UNIVERSAL BUILDERS, et al.,

Petitioners,

vs.

SIDNEY AND JULIA CLARK, et al.,

Respondents.

ACTION REALTY, et al.,

Petitioners,

vs.

CHARLES BAKER, et al.,

Respondents.

BRIEF IN OPPOSITION

Respondents pray that the petitions for writs of certiorari filed in cases Nos. 1637 and 1643 be denied.

Since petitioners in case No. 1643 adopted as their argument the petition filed in case No. 1637, this single brief is filed in opposition to petitions filed in both cases. These cases were consolidated for argument in the Court of Appeals for the Seventh Circuit, and a single opinion was rendered by that Court.

QUESTIONS PRESENTED

1. Whether the courts below correctly decided that the Illinois statute of limitation on causes of action under 42 U.S.C. §1982 based upon racial discrimination in the price and terms of real estate instalment contracts, and upon subsequent discriminatory practices, which imposed a continuing inferior status on respondents and which inflicted continuing harm upon them, does not begin to run until the expiration of the contracts.

2. Whether the courts below correctly held in No. 1643 that the Illinois statute of limitation does not begin to run against respondents during the lifetime of the alleged conspiracy among petitioners to violate respondents' rights under 42 U.S.C. §1982.

REASONS FOR DENYING THE WRIT

1. There is no conflict among the circuits, and no holding concerning the commencement of statutes of limitation at variance with any decision of this Court.

2. Petitioners raise no claim of substantial injustice that might be suffered by them. Only if the ruling of the courts below was overturned would any injustice be suffered, and then only by respondents.

I.

THE DECISIONS OF THE COURTS BELOW REGARDING COMMENCEMENT OF THE STATUTE OF LIMITATION DO NOT CONFLICT WITH ANY RULING OF THIS COURT OR OF ANY OTHER CIRCUIT.*

These cases challenge discriminatory practices which directly impaired the rights of respondent Negroes to acquire and hold residential realty in Chicago, Illinois. Respondents have alleged that petitioners took unlawful advantage of Chicago's racially segregated housing market and discriminatory lending practices, and thereby perpetrated continuing wrongs upon respondents through the use of unconscionable contracts and the exaction of discriminatory prices and terms. In No. 1643, respondents have alleged the existence of a conspiracy among petitioners to fix prices and to violate respondents' rights under 42 U.S.C. §1982 and the federal anti-trust laws.

* Whether state statutes of limitation should be applied to bar respondents' claims under 42 U.S.C. §1982 is a separate question which is raised by respondents in their Petition for Certiorari, filed June 4, 1970. (No. 1653.)